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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,092	01/28/2002	Michael Wayne Brown	AUS920010515US1	4852
7590	04/05/2005		EXAMINER	
International Business Machines Corporation			ZHOU, TING	
Intellectual Property Law Department				
Internal Zip 4054			ART UNIT	PAPER NUMBER
11400 Burnet Road			2173	
Austin, TX 78758			DATE MAILED: 04/05/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/059,092	BROWN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Ting Zhou	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 January 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) 3-5, 7, 11-13, 15, 19, 20 and 22 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. The amendment filed on 19 January 2005 have been received and entered. Claims 1-23 as amended are pending in the application.

### ***Allowable Subject Matter***

2. Claims 3-5, 7, 11-13, 15, 19-20 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. The following is a statement of reasons for the indication of allowable subject matter:  
The present invention teaches a method for selectively adjusting the transparency of a displayable object within a user interface using a flashlight tool. Each of claims 3, 11, and 19 identify the distinct feature of receiving a specified user selection of a flashlight beam for setting the flashlight tool such that the flashlight tool is effective on at least one displayable object within a range of the specified flashlight beam, receiving a specified user selection for setting the intensity of the flashlight beam, receiving a specified user selection for setting the shape of the flashlight beam, and setting the flashlight tool to be operative with the intensity, and with the shape, on the at least one displayable object within the range of the flashlight beam. The closest prior art, Frank et al. (U.S. Patent 5,651,107), teach selectively adjusting a transparency level of at least one displayable object according to the operating criteria of a flashlight tool (users selectively adjusting the transparency of the displayed window by moving the slider bar control tool, according to the operating criteria of the flashlight tool, i.e. moving the slider bar between a

value of 0 and 1, with 0 representing complete transparency and 1 representing not transparent, as recited in column 2, lines 56 - column 3, line 4 and column 9, lines 4-41 and shown in Figure 8). However, the prior art fails to teach receiving a specified user selection of a flashlight beam for setting the flashlight tool such that the flashlight tool is effective on at least one displayable object within a range of the specified flashlight beam, receiving a specified user selection for setting the intensity of the flashlight beam, receiving a specified user selection for setting the shape of the flashlight beam, and setting the flashlight tool to be operative with the intensity, and with the shape, on the at least one displayable object within the range of the flashlight beam; thus, the prior art fails to anticipate or render the above limitations, when taken with the limitations of the parent claims as a whole, obvious. Claims 4-5, 12-13 and 20 depend upon claims 3, 11, and 19, and therefore, fail to be anticipated or rendered obvious by the prior art as well, when taken with the limitations of the parent claims as a whole. Each of claims 7, 15 and 22 identify the distinct limitation of operating the flashlight tool to locate the at least one displayable object that meets user selection criteria and positioning the flashlight tool at a location over the at least one displayable object that meets the user selection criteria. The closest prior art, Frank et al. (U.S. Patent 5,651,107), teach receiving a user selection criteria for the flashlight tool such that the flashlight tool is effective on the at least one displayable object that meets the user selection criteria and setting the flashlight tool to be operative on the at least one displayable object that meets the user selection criteria (receiving user selection criteria for the slider bar such as user selecting one window within the z-order of displayed windows, so that the flashlight tool, or slider bar can be manipulated for the selected window to adjust the transparency, as recited in column 2, lines 56 - column 3, line 4 and column 9, lines 4-41 and

shown in Figure 8). However, the prior art fails to teach operating the flashlight tool to locate the at least one displayable object that meets user selection criteria and positioning the flashlight tool at a location over the at least one displayable object that meets the user selection criteria, and thus fails to anticipate or render the above limitations, when taken with the limitations of the parent claims as a whole, obvious.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation “wherein said location is independent of another location of at least one displayable object within said user interface”, on lines 6-8, 8-9 and 8-9 of claims 1, 9 and 17, respectively, is not positively recited in the specification of the present application. The specification of the present application does not contain any description or support regarding the location of the flashlight tool being independent of another location of at least one displayable object within the user interface. Therefore, there is no positively recited basis for the negative limitation “wherein said location is independent of another location of at least one displayable

object within said user interface". Claims 2-8, 10-16 and 18-23 depend upon claims 1, 9 and 17, and therefore also fail to comply with the written description requirement.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 6, 8-10, 14, 16-18, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Frank et al. U.S. Patent 5,651,107.

Referring to claims 1, 9 and 17, Frank et al. teach a method, system and program comprising a graphical user interface (column 2, lines 27-30); enabling a flashlight tool (slider control tool with a slider bar) (column 2, line 56-column 3, line 4, column 9, lines 4-41 and Figure 8); selecting an operating criteria of the flashlight tool, wherein the operating criteria is operative on all displayable objects of a user interface (the operating criteria of the slider bar of each window within the order of overlapped windows, is selected to be an alpha level between a value of 0 and 1 for displayed windows of the interface) (column 2, line 56-column 3, line 4 and column 9, lines 4-41); positioning the flashlight tool at a location within a user interface (displayed slider bar on the interface, as shown in Figure 8); and selectively adjusting the transparency level of the at least one displayable object within the user interface, such that the transparency level of the at least one displayable object is selectively adjusted according to the

operating criteria of the flashlight tool (users can selectively adjust the transparency of the displayed window by moving the slider bar control tool, according to the operating criteria of the flashlight tool, i.e. moving the slider bar between a value of 0 and 1, with 0 representing complete transparency and 1 representing not transparent) (column 2, line 56-column 3, line 4 and column 9, lines 4-41).

Referring to claims 2, 10 and 18, Frank et al. teach receiving a specified user selection of an n-level within a z-order from among a plurality of displayable objects, as a setting for the flashlight tool such that the flashlight tool setting at the n-level is operative on at least one displayable object within the n-level (a plurality of objects, or windows are displayed in a z-order, i.e. overlapping windows 255 and 260 shown in Figure 8; users select a n-level within the z-order of overlapped windows as a setting for the slider bar, i.e. users can select the slider bar of one window within the order of overlapped windows, such as selecting slider bar 264 for window 260) (column 9, lines 4-41); and setting the flashlight tool to be operative on the at least one displayable object within the n-level (setting the flashlight tool, i.e. moving the slider bar of the selected window 260 within the order of windows displayed on Figure 8 to adjust the transparency of window 260) (column 9, lines 4-41).

Referring to claims 6, 14 and 21, Frank et al. teach adjusting a transparency level of the at least one displayable object within the user interface in response to moving the flashlight tool across the user interface (in response to the user moving the slider bar across the interface to a position on the slider control, the transparency level is correspondingly adjusted; for example, as shown in Figure 8, the alpha level is positioned to less than 1 for window 260, exemplified by

the middle position of slider bar 264, and therefore, window 260 is correspondingly adjusted to partially transparent) (column 9, lines 4-41).

Referring to claims 8, 16 and 23, Frank et al. teach selectively adjusting a transparency level of the at least one displayable object according to a transparency designated for a flashlight tool positioned to selectively adjust the transparency level of the at least one displayable object (the user can selectively adjust the transparency level of the displayed window according to a transparency designated for a flashlight tool such as the slider bar on the displayed window, which allows the alpha value to be set by use of the cursor control device to move the slider bar) (column 2, lines 56-67 and column 9, lines 5-41).

#### ***Response to Arguments***

6. Applicant's arguments filed 19 January 2005 with have been fully considered but they are not persuasive:

7. The applicant argues that Frank does not teach the claimed element "selecting an operating criteria of a flashlight tool, wherein said operating criteria is operative on all displayable objects of a user interface" because Frank teaches that each window contains a slider window to set the transparency of its parent window. The examiner respectfully disagrees. Each slider bar has the operating criteria of having alpha levels between a range of values, namely between a value of 0 and 1, as shown in Figure 8 and recited in column 9, lines 4-41, where both displayed windows 255 and 260 has slider bar controls that can be adjusted between an alpha level of 0 and 1. Therefore, the operating criteria of the flashlight tool, or slider bar control tool,

of being able to adjust the slider bar between a value of 0 and 1, is prevalent on all displayable windows of the interface.

8. The applicant argues that Frank does not teach allowing the user to control the location where the slider is positioned and thus does not teach “positioning said flashlight tool at a location within a user interface, wherein said location is independent of another location of at least one displayable object within said user interface”. The examiner respectfully disagrees. The user can control the location of where the slider, i.e. the slider bar moving between 0 and 1, is positioned by moving the slider bar from a location representing a value of 0 and a location representing a value of 1. Therefore, the user can position and control the location of, independent of the locations of the other slider bars on other windows, where on the continuum of locations between 0 and 1 the slider bar is placed.

9. The applicant further argues that the applicant’s invention selectively adjust the transparency level of one or more displayable object within the user interface, such that the transparency level of one or more multiple displayable objects are selectively adjusted according to a specified criteria of the flashlight tool while Frank requires the user to operate the slider bar of each window, and individually and separately set the alpha value for each window in the user interface in order to adjust multiple windows. In response to applicant’s argument that the references fail to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., eliminating the need for individual adjustments) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations

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from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, the applicant argues that Frank does not teach specifying any operating criteria such that the transparency level is adjusted according to the operating criteria of the flashlight tool. The examiner respectfully disagrees and refers to the arguments presented regarding the operating criteria above. The slider bars have a specified operating criteria of allowing users to set an alpha level between 0 and 1, such that the transparency level of the window is adjusted according to the operating criteria, or the selected alpha level; for example, as shown in Figure 8, the operating criteria of the alpha level is set to less than 1 for window 260, exemplified by the middle position of slider bar 264, and therefore, window 260 is correspondingly adjusted to be partially transparent, as recited in column 9, lines 4-41.

10. The applicant's arguments with respect to claims 3-5, 11-13 and 19-20 are moot in view of the claim objections.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ



**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**